

# Exhibit 6

Declaration of Yeremey O. Krivoshey, Esq.  
Bursor & Fisher, P.A.

*In re Fairlife Milk Products Marketing and Sales Practices Litig.*  
MDL No. 2909, Lead Case No. 19-cv-03924-RMD-MDW (N.D. Ill.)

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE FAIRLIFE MILK PRODUCTS  
MARKETING AND SALES PRACTICES  
LITIGATION**

This Document Relates To:

**ALL CASES**

MDL No. 2909

Master Case No. 19-cv-3924

Judge Robert M. Dow, Jr.

**DECLARATION OF YEREMEY O. KRIVOSHEY ON BEHALF OF BURSOR &  
FISHER, P.A. IN SUPPORT OF PLAINTIFFS' PETITION FOR AN AWARD  
OF ATTORNEYS' FEES AND COSTS, AND SERVICE AWARDS**

I, Yeremey O. Krivoshey, declare and state as follows:

1. I am a partner at the law firm of Bursor & Fisher, P.A. I submit this Declaration in support of Plaintiffs' Petition for an Award of Attorneys' Fees and Costs, and Service Awards, and in connection with services rendered and expenses incurred by my firm in connection with this litigation.

2. My firm has acted as counsel in this action. Specifically, my firm filed *Michael v. Fairlife, LLC, et al.*, No. 1:19-cv-03924 (N.D. Ill.) and *Honeycutt v. Fair Oaks Farms Food, LLC*, 2:20-cv-00099 (N.D. Ind.), which were consolidated in this MDL, and individually represents class representative Paula Honeycutt. During the period from case inception through October 2, 2019, my firm conducted the following activities for the common benefit of Plaintiffs:

- a. investigated potential legal claims arising from Defendants' misrepresentations as described in the complaint;

- b. analyzed Defendants' representations on their website and in their marketing materials;
- c. researched Defendants' corporate structure;
- d. investigated the potential damages model and injunctive relief for the claims in this action and discussed the case with a potential damages expert;
- e. evaluated the adequacy of the named plaintiffs;
- f. drafted and filed the first-filed complaints concerning both Fairlife milk (*Michael*) and Fair Oaks Farms milk (*Honeycutt*);
- g. reviewed public documentation, studies, reviews and articles about consumer preferences for animal-welfare related marketing and labeling;
- h. argued successfully before the JPML to transfer all related cases to the Northern District of Illinois; and
- i. worked closely with attorneys at the Animal Legal Defense Fund ("ALDF") since June 2019 in furtherance of their ongoing investigation and litigation of the claims at issue and was able to glean significant information from ALDF's investigations into these issues dating back to 2017.

3. The total number of common benefit hours by my firm from case inception through October 2, 2019, is 197.7 hours, as vetted by Plaintiffs' Co-Lead Counsel. The total common benefit lodestar for my firm in this time period is \$115,647.50.

4. For the time period October 3, 2019, through June 30, 2022, and at the request of Plaintiffs' Co-Lead Counsel, my firm conducted the following activities for the common benefit of Plaintiffs:

- a. investigated potential legal claims arising from Fair Oaks Farms' misrepresentations and ultimately filed the complaint in *Honeycutt v. Fair Oaks Farms Food, LLC*, 2:20-cv-00099 (N.D. Ind.);
- b. attended court proceedings in *In re Fairlife* and *Honeycutt*;
- c. participated in all aspects of the mediation process with Judge Andersen, including reviewing discovery produced, preparing and reviewing mediation briefs, evaluating all settlement offers and counteroffers, and attending all mediation sessions with Judge Andersen; and
- d. assisted with preparing the settlement agreement and preliminary approval motion.

5. The total number of hours expended on this litigation by my firm from for the time period October 3, 2019, through June 30, 2022, for the common benefit of Plaintiff and class members, is 144.9 hours, as vetted by Plaintiffs' Co-Lead Counsel. The total lodestar for my firm in this time period is \$105,667.50.

6. The total number of common benefit hours expended on this litigation by my firm from case inception through June 30, 2022, is 342.6 hours, as vetted by Plaintiffs' Co-Lead Counsel. The total lodestar for my firm is \$221,315.00. My firm's lodestar figures are based on the firm's current hourly billing rates. The hourly rates for the partners, attorneys, and professional support staff in my firm are the same as the usual and customary hourly rates charged for their services in contingent billable matters. The total number of hours was determined by the examination of daily time records regularly prepared and maintained by my firm and which have been provided to Co-Lead Counsel for their review.

7. Attached hereto as **Exhibit A** is a detailed summary indicating the amount of time spent by the partners, attorneys and other professional support staff of my firm who have been involved in this litigation, and the lodestar calculation is based on my firm's current hourly billing rates from case inception through June 30, 2022, as vetted by Plaintiffs' Co-Lead Counsel.

8. As detailed in **Exhibit B**, my firm has incurred a total of \$3,614.67 in unreimbursed expenses during the period from case inception through June 30, 2022.

9. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 20th of July 2022 at Louisville, Kentucky.



Yeremey O. Krivoshey

*Counsel for Plaintiff Honeycutt*

# Exhibit A

Bursor & Fisher, P.A.  
Lodestar Summary

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MDL No. 2909

**Exhibit A**

**Lodestar Summary**

Firm: **Bursor & Fisher, P.A.**  
 Reporting Period: **Inception through June 30, 2022**

<b>Professional</b>	<b>Title</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Total Lodestar</b>
Bursor, Scott	P	\$1,000.00	0.8	\$800.00
Deckant, Neal	P	\$600.00	0.4	\$240.00
Fisher, L. Timothy	P	\$1,000.00	5.5	\$5,500.00
Fontanilla, Judy	LA	\$275.00	3.5	\$962.50
Geron, Harrison	LC	\$315.00	47	\$14,805.00
Klorczyk III, Frederick J.	P	\$725.00	65.8	\$47,705.00
Krivoshey, Yeremey	P	\$725.00	199.3	\$144,637.50
McCulloch, J. Georgina	LA	\$300.00	0.4	\$120.00
Sasseen, Molly	LA	\$275.00	4.2	\$1,240.00
Schroeder, Debbie	LA	\$300.00	3.8	\$1,140.00
Venditti, Julia	A	\$350.00	11.9	\$4,165.00
<b>Totals</b>			<b>342.6</b>	<b>\$221,315.00</b>

Title:

- Partner (P)
- Associate (A)
- Paralegal (PL)
- Of Counsel (OC)
- Law Clerk (LC)
- Legal Assistant (LA)

# Exhibit B

Bursor & Fisher, P.A.  
Expense Summary

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**Exhibit B**

**Expense Summary**

Firm: **Bursor & Fisher, P.A.**  
Reporting Period: **Inception through June 30, 2022**

<b>Expense</b>	<b>Amount</b>
Court Costs ( <i>i.e.</i> , Filing Fees)	\$150.00
Experts / Consultants	
Federal Express / UPS	
Postage / U.S. Mail	
Service of Process	
Messenger / Delivery	
Hearing Transcripts	
Investigation	
Westlaw / Lexis	
Photocopies (in House)	
Photocopies (Outside)	
Telephone / Telecopier	
Travel – Transportation	\$2,700.39
Travel – Meals	\$201.35
Travel – Hotels	\$562.93
Miscellaneous	
<b>Total</b>	<b>\$3,614.67</b>